

Ronnie Fischer *Pro Hac Vice*
Marcy Railsback
9720 Wilshire Boulevard, Suite 200
Beverly Hills, CA 90212
Telephone: (310) 276-4000
Ronnie@fischeresq.com
Marcy@bovinorailsback.com

Attorneys for Plaintiff JERALD A. BOVINO

Brian E. Mitchell (SBN 190095)
Marcel F. De Armas (SBN 289282)
Mitchell + Company
4 Embarcadero Center, Suite 1400
San Francisco, CA 94111
Telephone: (415) 766-3515
Facsimile: (415) 402-0058
Email: brian.mitchell@mcclawoffices.com
mdearmas@mcclawoffices.com

Attorneys for Defendant INCASE DESIGNS,
CORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

JERALD A. BOVINO,

Plaintiff,

vs.

INCASE DESIGNS, CORP,

Defendant.

Case No.: 3:14-cv-02105-VC

STIPULATED REQUEST FOR LEAVE TO FILE
EARLY MOTION FOR SUMMARY JUDGMENT

INCASE DESIGNS, CORP,

Counterclaimant,

vs.

JERALD A. BOVINO,

Counter-defendant.

1 Pursuant to Civil L.R. 7-12 and the Court's recommendation at the Case Management
2 Conference held on October 7, 2014, Plaintiff Jerald A. Bovino ("Plaintiff") and Defendant Incase
3 Designs, Corp ("Defendant") hereby jointly request that the Court to allow Defendant to file an early
4 Motion for Summary Judgment on Defendant's defenses to liability and damages based Plaintiff's
5 Settlement and License Agreement with Apple, Inc. and Target Corporation (the "License
6 Agreement"). In support of this request, the parties state the following:

7 1. Defendant believes that the terms of the License Agreement provides a license,
8 covenant not to sue, and release that covers Incase and its products.

9 2. At the CMC, Plaintiff's counsel agreed that if the License Agreement covers the
10 accused products there is no infringement and no damages.

11 3. The Motion for Summary Judgment can be decided on the papers, as it is purely a
12 matter of contract interpretation.

13 4. Accordingly, the parties jointly request that the Court allow Defendant to file an early
14 Motion no later than January 15, 2015.

15 Dated: October 29, 2014

16 By: /s/ Ronnie Fischer
17 Ronnie Fischer

18 Attorney for Plaintiff Jerald A. Bovino

19 Mitchell + Company

20 Dated: October 29, 2014

21 By: /s/ Brian E. Mitchell
22 Brian E. Mitchell

23 Attorney for Defendant Incase Designs, Corp.
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[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: November 6 __, 2014



Vince Chhabria
UNITED STATES DISTRICT JUDGE

ATTESTATION

I, Marcel F. De Armas, am the ECF User whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that Ronnie Fischer has concurred in this filing.

Dated: October 29, 2014

By: /s/ Marcel F. De Armas
Marcel F. De Armas